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03 MAR 10 PM 1:45
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
MDR

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SI

Harold Black

Plaintiff,

vs.

John E. Potter

Postmaster General

Defendant(s).

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1344

CASE NO. 4F-940-0130-05

EMPLOYMENT DISCRIMINATION
COMPLAINT

1. Plaintiff resides at:

Address 3535 El Portal Drive #F103

City, State & Zip Code El Sobrante Ca 94803

Phone 510-262-0874

2. Defendant is located at:

Address 475 L'Enfant Plaza S.W.

City, State & Zip Code Washington D.C. 20260-4326

3. This action is brought pursuant to Title VII of the Civil Rights Act of 1964 for employment discrimination. Jurisdiction is conferred on this Court by 42 U.S.C. Section 2000e-5.

Equitable and other relief is sought under 42 U.S.C. Section 2000e-5(g).

4. The acts complained of in this suit concern:

a. ☐ Failure to employ me.

b. ☒ Termination of my employment.

1 c. ☐ Failure to promote me.

2 d. ☒ Other acts as specified below.

3 Falsified an EEO Settlement Agreement that
 4 resulted in my termination.
 5 _____
 6 _____
 7 _____
 8 _____

9 5. Defendant's conduct is discriminatory with respect to the following:

10 a. ☒ My race or color.

11 b. ☐ My religion.

12 c. ☒ My sex.

13 d. ☒ My national origin.

14 e. ☒ Other as specified below.

15 Retaliation for protected activity
 16 _____

16 6. The basic facts surrounding my claim of discrimination are:

17 I was terminated from my position at the Pet-
 18 alumna Post Office on the grounds that I had
 19 failed a qualifying test for Retail Associate.
 20 Comparison female employees of other Nat.
 21 ional origins were not terminated for fail-
 22 ing the same Qualifying test. An allegation
 23 that I had signed an agreement to be
 24 terminated for failure is untrue
 25 _____

25 7. The alleged discrimination occurred on or about July 22, 2005
 26 (DATE)

27 8. I filed charges with the Federal Equal Employment Opportunity Commission (or the
 28 California Department of Fair Employment and Housing) regarding defendant's alleged

1 discriminatory conduct on or about January 20, 2006

2 (DATE)

3 9. The Equal Employment Opportunity Commission issued a Notice-of-Right-to-Sue letter
4 (copy attached), which was received by me on or about Dec. 10, 2007.

5 (DATE)

6 10. Plaintiff hereby demands a jury for all claims for which a jury is permitted:

7 Yes ✓ No

8 11. WHEREFORE, plaintiff prays that the Court grant such relief as may be appropriate,
9 including injunctive orders, damages, costs, and attorney fees.

10
11 DATED: March 10, 2008

12 
SIGNATURE OF PLAINTIFF

13
14 (PLEASE NOTE: NOTARIZATION
15 IS NOT REQUIRED.)

16 Harold Black
PLAINTIFF'S NAME

17 (Printed or Typed)
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U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Office of Federal Operations
P. O. Box 19848
Washington, D.C. 20036

Harold Black,
Complainant,

v.

John E. Potter,
Postmaster General,
United States Postal Service,
Agency.

Request No. 0520080092

Appeal No. 0120063391

Hearing No. 550-2006-00012X

Agency No. 4F-940-0130-05

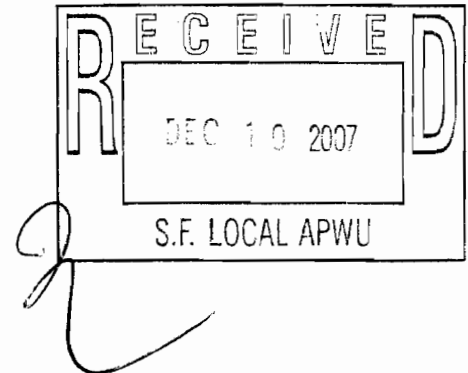
DENIAL

Complainant timely requested reconsideration of the decision in *Harold Black v: United States Postal Service*, EEOC Appeal No. 0120063391 (September 21, 2007). EEOC Regulations provide that the Commission may, in its discretion, grant a request to reconsider any previous Commission decision where the requesting party demonstrates that: (1) the appellate decision involved a clearly erroneous interpretation of material fact or law; or (2) the appellate decision will have a substantial impact on the policies, practices, or operations of the agency. See 29 C.F.R. § 1614.405(b).

After reconsidering the previous decision and the entire record, the Commission finds that the request fails to meet the criteria of 29 C.F.R. § 1614.405(b), and it is the decision of the Commission to deny the request. The decision in EEOC Appeal No. 0120063391 remains the Commission's final decision. There is no further right of administrative appeal on the decision of the Commission on this request.

COMPLAINANT'S RIGHT TO FILE A CIVIL ACTION (P0900)

This decision of the Commission is final, and there is no further right of administrative appeal from the Commission's decision. You have the right to file a civil action in an appropriate



United States District Court **within ninety (90) calendar days** from the date that you receive this decision. If you file a civil action, you must name as the defendant in the complaint the person who is the official agency head or department head, identifying that person by his or her full name and official title. Failure to do so may result in the dismissal of your case in court. "Agency" or "department" means the national organization, and not the local office, facility or department in which you work.

RIGHT TO REQUEST COUNSEL (Z1199)

If you decide to file a civil action, and if you do not have or cannot afford the services of an attorney, you may request that the Court appoint an attorney to represent you and that the Court permit you to file the action without payment of fees, costs, or other security. *See* Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e *et seq.*; the Rehabilitation Act of 1973, as amended, 29 U.S.C. §§ 791, 794(c). **The grant or denial of the request is within the sole discretion of the Court.** Filing a request for an attorney does not extend your time in which to file a civil action. Both the request and the civil action must be filed within the time limits as stated in the paragraph above ("Right to File a Civil Action").

FOR THE COMMISSION:



Carlton M. Hadden, Director
Office of Federal Operations

DEC 5 2007
Date

CERTIFICATE OF MAILING

For timeliness purposes, the Commission will presume that this decision was received within five (5) calendar days after it was mailed. I certify that this decision was mailed to the following recipients on the date below:


Harold Black
3535 El Portal Dr
#F103
El Sobrante, CA 94803

Robert Williamson
1239 Howard St
San Francisco, CA 94103

U.S. Postal Service (Pacific)
NEEOISO - Appeals
U.S. Postal Service
PO Box 21979
Tampa, FL 33622-1979

DEC 5 2007

Date



Equal Opportunity Assistant

Court Name: U.S. District Court, NDCA
Division: 3
Receipt Number: 34611016763
Cashier ID: bucklem
Transaction Date: 03/10/2008
Payer Name: robert j williamson

CIVIL FILING FEE
For: harold black
Case/Party: D-CAN-3-08-CV-001344-001
Amount: \$350.00

CHECK
Check/Money Order Num: 1053
Amt Tendered: \$350.00

Total Due: \$350.00
Total Tendered: \$350.00
Change Amt: \$0.00

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Checks and drafts are accepted
Subject to collections and full
It will only be given when the
check or draft has been accepted by
the financial institution on which
it was drawn.